

II. REMARKS

The amendments to claims 2, 3, and 5, as set forth above, delete the word "compound" and replace same with "TGF- α polypeptide or functional fragment thereof." The Office Action mailed December 2, 2003 noted that claims 2, 3, and 5 recited the limitation "compound" in reference to claim 1; and stated that there is insufficient antecedent basis for "compound" in claim 1. Claim 1 recited "TGF- α polypeptide or a functional fragment thereof." Claims 2, 3, and 5, which depend from claim 1, are amended merely to bring the language of those claims into conformity with the phrase "TGF- α polypeptide or a functional fragment thereof" as recited in claim 1. Accordingly, no new matter is added by these amendments. Instead, the amendments to claims 2, 3, and 5 merely present these claims in better form for consideration on appeal. Entry of these amendments is thus respectfully requested.

Claim 20, which depended from claim 1, is canceled without prejudice to renewal.


III. CONCLUSION

Appellants submit that the amendments set forth below raise no new issues. Rather, the amendments place the claims in better form for consideration on appeal. Thus, the amendments set forth below are in compliance with the rules governing Appeal Briefs as of March 9, 2004. Entry of these amendments is thus respectfully requested.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number IRVN-263 CIP.

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

Date: Apr. 22, 2005

By: 
Paula A. Borden
Registration No. 42,344

BOZICEVIC, FIELD & FRANCIS LLP
1900 University Avenue, Suite 200
East Palo Alto, CA 94303
Telephone: (650) 327-3400
Facsimile: (650) 327-3231